

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TROUT UNLIMITED, PACIFIC RIVERS)
COUNCIL, PACIFIC COAST)
FEDERATION OF FISHERMEN'S)
ASSOCIATIONS, INSTITUTE FOR)
FISHERIES RESOURCES, NATIVE FISH)
SOCIETY, OREGON NATURAL)
RESOURCES COUNCIL, UMPQUA)
WATERSHEDS, and COAST RANGE)
ASSOCIATION,)

Plaintiffs,)

v.)

D. ROBERT LOHN, Northwest Regional)
Administrator of National Marine Fisheries)
Service, and CARLOS M. GUTIERREZ,)
Secretary of Commerce, United States)
Department of Commerce,)

Defendants.)

and)

STATE OF OREGON, and ALSEA)

Civil Case No. 06-1493-ST

O R D E R

VALLEY ALLIANCE,)
)
 Intervenor-Defendants.)
)
 _____)

Patti Goldman
Jan Hasselman
Earthjustice
705 Second Avenue, Suite 203
Seattle, Washington 98104

Stephanie Parent
Pacific Environmental Advocacy Center
10015 S.W. Terwilliger Boulevard
Portland, Oregon 97219

Attorneys for Plaintiffs

Karin J. Immergut
United States Attorney
District of Oregon
Stephen J. Odell
United States Attorney's Office
Ronald J. Tenpas
Acting Assistant Attorney General
Jean E. Williams
Lisa L. Russell
Coby Howell
U.S. Department of Justice
Environment & Natural Resources Division
Wildlife & Marine Resources Section
c/o U.S. Attorney's Office
1000 S.W. Third Avenue
Portland, Oregon 97204-2902

Attorneys for Defendants

KING, Judge:

The Honorable Janice Stewart, United States Magistrate Judge, filed Findings and Recommendation on July 13, 2007. All parties filed timely objections to the Findings and

Recommendation. When either party objects to any portion of a magistrate's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). The matter is before this court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

This court has, therefore, given de novo review of the rulings of Magistrate Judge Stewart. This court ADOPTS the Findings and Recommendation of Magistrate Judge Stewart dated July 13, 2007 in its entirety.

IT IS HEREBY ORDERED that Trout Unlimited's Motion for Summary Judgment (#45) is GRANTED and State of Oregon's Motion for Summary Judgment (#68), Federal Defendants' Amended Motion for Summary Judgment (#77), and Alsea Valley Alliance's Motion for Summary Judgment (#83) are DENIED.

DATED this 5th day of October, 2007.

/s/ Garr M. King

GARR M. KING
United States District Judge